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**FILED**

OCT 14 2005

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,

Plaintiff, No. CIV S-02-2645 GEB KJM P

vs.

D.L. RUNNELS, et al.,

Defendants. ORDER

The court hereby clarifies its May 19, 2005 order as follows. Plaintiff's second amended complaint states cognizable Eighth Amendment and ADA claims against L. Cole. Plaintiff's second amended complaint states a cognizable First Amendment retaliation claim against T. Cole. The court will order service of process upon both defendants L. Cole and T. Cole.<sup>1</sup>

DATED: 10/14/05

  
UNITED STATES MAGISTRATE JUDGE

1/bb/brow2645.cla

<sup>1</sup> Plaintiff has provided the court with the forms necessary to effect service of process on both L. Cole and T. Cole.